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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,443	09/16/2003	Robin B. Hutchison	ECHG121699	1594

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,443	<b>Applicant(s)</b> HUTCHISON ET AL.	
	<b>Examiner</b> F. Ryan Zeender	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 2, lines 5-6, the limitation, "said buyer computer is **registered as** associated with said virtual payment account", is not fully supported by the original specification. The specification states that the buyer himself/herself is actually "registered", not the buyer's computer. Instead, the specification states that the buyer's "computer" is verified using a "digital certificate" or "digital signature" (see for example paragraph 0090 of the applicant's published document US2005/0102188A1).

### ***Claim Rejections - 35 USC § 102***

Claims 2 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams '105.

Williams discloses a method for purchasing a product from a merchant /seller computer (**See for example Columns 13-20**) using a virtual payment account comprising: receiving a request from a buyer/consumer computer to purchase the

product from the seller computer using the virtual payment account; in response to said purchase request, determining whether the buyer computer is associated with the virtual payment account; in response to determining that said buyer computer is associated with the virtual payment account, applying a cost of the product to the virtual payment account and providing the product to a buyer associated with the buyer computer, and the use of a main account and sub-account (See for example Fig. 31).

***Claim Rejections - 35 USC § 103***

Claims 3-6, 8-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams '105.

Williams anticipates or makes obvious the limitations of the claims including in a method for purchasing a product from a merchant server (**See for example Columns 13-20**) using a virtual payment account associated with a consumer computer the steps of: receiving a request from the consumer computer to purchase the product, the purchase request identifying a virtual payment account as the method of payment for the product (i.e., credit card); in response to the purchase request transmitting an authentication request from the consumer computer to a commerce gateway; receiving the authentication request at the commerce gateway and determining whether a valid virtual payment account is associated with the consumer computer at the commerce gateway; in response to determining that a valid virtual payment account is associated with the consumer computer, transmitting an account identification container (See for example Col. 157, line 22+); transmitting the purchase request for the consumer computer to the merchant computer; transmitting the purchase request from the

merchant computer to the commerce gateway; receiving the purchase request at the commerce gateway and determining whether the virtual payment account may be used to pay for the product; in response to determining that the virtual payment account may be used to pay for the product, transmitting a valid transaction authorization from the commerce gateway to the merchant computer and the consumer computer; charging the virtual payment account for a cost associated with the product and providing the product to a consumer associated with the consumer computer.

Williams does not specifically disclose sending/transmitting a container to the consumer computer and then to the merchant server.

Williams teaches a transmission (See for example, Fig. 35, element 3550) determining whether or not credit should be granted. It would have been obvious to one of ordinary skill in the art to modify Williams to include sending/transmitting a container to the consumer computer and the merchant computer, as such a transmission would let the consumer know that the particular virtual account was usable/unusable before submission of the payment order, thus eliminating orders utilizing unusable virtual accounts. This would also reduce the workload at the merchant computer by avoiding consideration of unusable virtual accounts.

Re claims 11-12: an acceptable list of merchant computers for a sub account would have been obvious to provide control for usage of the sub account. An example of the user of such control of a sub account would be parental control of sub account usage to limit purchases by children to suitable items. Re claim 12: it would have been also obvious to limit spending as well as content in the purchases by children.

Re claim 5: Williams discloses a digital certificate at Col. 14, lines 47-65.

Re claim 6: Williams teaches a secure token (for example Fig. 10).

Re claim 8: Williams teaches having the customer computer system transmitting a client certificate and further optionally transmitting a client key exchange message and a finished message (See for example Col. 14, lines 62-65).

### ***Allowable Subject Matter***

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims, without narrowing the scope of the claim.

### ***Response to Arguments***

Applicant's arguments filed 4/25/2006 and 12/12/2005 have been fully considered but they are not persuasive.

Applicant's have amended the claims to include the terms "registered as". However, as mentioned above the terminology is not fully supported by the original specification.

Regardless, it is noted that in Williams, the customer computer 120 transmits a client certificate 240 to the merchant computer 130 enabling the merchant computer to authenticate the identity of the customer computer system (See for example Col. 14, lines 47-54). Further, in Col. 15, lines 6-29, Williams teaches that account information is provided by the customer computer to the merchant computer whereby payment authorization can be accomplished. These teachings anticipate applicant's limitation of

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"determining that said buyer computer is registered as associated with said virtual payment account" in independent claim 2, as well as the associated dependent claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

F. Zeender  
Patent Examiner, A.U. 3627  
July 14, 2006

 7/14/06  
F. RYAN ZEENDER  
PRIMARY EXAMINER